UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SEP 3 0 2015

Mr. Paul A. DiMarco
President & General Manager
Pharmco-AAPER
58 Vale Road
Brookfield, CT 06804

Re: **Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604(e)(2)**

Dear Mr. DiMarco:

You are receiving this Information Request letter to determine if the Pharmco-AAPER facility in Brookfield, Connecticut ("Brookfield Facility") is subject to the requirements of Section 112(r) of the amended Clean Air Act ("CAA"), 42 U.S.C. § 7412(r), and implementing regulations set forth at 40 C.F.R. Part 68. CAA Section 112(r) and its implementing regulations mandate a federal focus on the prevention of chemical accidents. The objective of Section 112(r) is to prevent accidental releases of substances that can cause serious harm to public health and the environment. Under these requirements, industry has the obligation to prevent and mitigate accidental chemical releases by (1) identifying hazards that might result in such releases, using appropriate hazard assessment techniques; (2) designing and maintaining a safe facility, taking steps to prevent such releases; and (3) minimizing the consequences of accidental releases that do occur.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine that company's compliance with the CAA. Likewise, Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances. To enable EPA to determine the compliance status of the Brookfield Facility, responses to the enclosed list of questions (Attachment 3) must be furnished within thirty (30) calendar days of your receipt of this letter.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to justify adequately any failure to respond, within thirty (30) days of receipt of this letter can

result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You are required to submit the requested information to:

Leonard Wallace, Enforcement Officer
RCRA, EPCRA, and Federal Programs Unit
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Mail Code OES05-4
Boston, MA 02109-3912

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. If you have any questions with regard to this Information Request, please contact Mr. Wallace of my staff at (617) 918-1835.

Sincerely,

Susan Studlien, Director
Office of Environmental Stewardship

Enclosures

cc: Len Wallace, EPA Region 1
Mary Jane O'Donnell, EPA Region 1

ATTACHMENT 1

(Complete and Include With Your Response)

DECLARATION

I declare under penalty of perjury that I am

the _____ of _____,

[Title] [Name of Facility]

that I am authorized to respond on behalf of

_____ and that the foregoing is a

[Name of Facility]

complete, true, and correct response.

Executed on _____ _____

[Date] [Signature]

_____

[Type Name and Title]

ATTACHMENT 2

Guidance on How to Respond. You must submit all responsive documents. The response must include copies of all documents that you reference in your response or which you feel are relevant to the information being requested.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer the question. Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this question become known or available after answering this request, including, but not limited to, specific information that may be deemed unknown at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering the information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Leonard Wallace of this fact as soon as possible and provide EPA with a corrected response.

Confidential Business Information. The information requested herein must be provided even though Pharmco may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208. If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

1) The first copy of any document containing such "confidential business information" ("CBI") must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.
2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

Definitions. The following definitions shall apply to the following words as they appear in this Attachment:

The term "you" or "Pharmco" shall include Pharmco, Pharmco Products, Inc., and Pharmco-AAPER, the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assignees, vendors, and agents.

The term "person" shall have the same definition as in Section 302(e) of the CAA, (i.e., an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof).

The term "Facility" or "Brookfield Facility" means the operations of Pharmco (including all physical structures) in Brookfield, Connecticut.

The term "document" means any object that contains, records, stores, or presents information, whether in paper, electronic, or any other form. The term "document" includes the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise).

The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.

The term "identify" means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.

A requested document, item, or information shall be deemed to be in your possession, custody, or control if you know where it is and can obtain access to it, even if it is not presently in your possession.

ATTACHMENT 3

1. **Copies of written and/or electronic documents pertaining to all shipments of petroleum ether or petroleum ether-containing products from September 1, 2011 through and including August 31, 2015.**

   EPA requests copies of all documents (written or electronic) from the above-noted time period that pertain to all grades and classes of petroleum ether or petroleum ether-containing products purchased, handled, stored, or received by or on behalf of Pharmco. Without exception, the information requested herein includes, but is not limited to, the applicable product file checklist, Purchase Order, Receiving Papers, Certification of Analysis from Vendor, Product Label, Vendor Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS) as applicable, Certification of Analysis, Testing Review, Pharmco Material Safety Data Sheets (MSDSs) and Safety Data Sheets (SDSs) as applicable, Finished Product Certification of Analysis, Product Specification Sheets, Packaging Specifications, and shipment papers, for all grades and classes of petroleum ether or petroleum ether-containing products. This information on petroleum ether and petroleum ether-containing products also includes products purchased and sold by Pharmco which are shipped/transferred directly to other companies for the purpose of storage and/or distribution. In addition, EPA also requests copies of daily Chemical Balance spreadsheet(s) for petroleum ether and petroleum ether-containing products including product identification, quantities, amounts of containers, number of units shipped, and origin/destination locations. Please make sure to delineate quantity for each chemical as either weight (e.g., pounds, kilograms), volume (e.g., gallons, liters), or number of containers. If volume data is provided, also provide the matching density value for the conditions at delivery to the destination. If number of containers is provided, also provide the design capacity of each type and size of container indicated.